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Jurinko v. Med Protective Co

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 06-3519 & 06-3666

STEPHEN P. JURINKO; CYNTHIA JURINKO, H/W
as assignees of Paul G. Marcincin,
Appellants at 06-3666

v.

THE MEDICAL PROTECTIVE COMPANY;
MEDICAL CARE AVAILABILITY AND
REDUCTION OF ERROR FUND,
Successor in interest to or formerly known as
Medical Professional Liability Catastrophe Loss Fund

Medical Protective Company,
Appellant at 06-3519

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
D.C. Civil Action No. 03-cv-4053
(Honorable Cynthia M. Rufe)

Argued January 17, 2008
Before: SCIRICA, *Chief Judge*, BARRY* and ROTH, *Circuit Judges*.

ORDER AMENDING OPINION

IT IS HEREBY ORDERED that the not precedential opinion in the above-captioned case, filed December 24, 2008, be amended as follows:

*The Honorable Maryanne Trump Barry participated in the oral argument but discovered facts causing her to recuse from this matter prior to filing of the Opinion. The remaining judges are unanimous in this decision, and this Opinion and Judgment are therefore being filed by a quorum of the panel.

Page 28, footnote 15, last full sentence, which read:

However, the Court again said that, when punitive damages are substantial, “the constitutional outer limit may well be 1:1.” *Id.* at 2634 n.28.

shall read:

However, the Court again said that, when compensatory damages are substantial, “the constitutional outer limit may well be 1:1.” *Id.* at 2634 n.28.

BY THE COURT,

/s/ Anthony J. Scirica
Chief Judge

DATED: December 30, 2008